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Paper No. 19

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Shinichi Hagiwara
Application No. 09/270,844
Filed: March 18, 1999
For: **APPARATUS FOR DISPLAYING
IMAGES RECORDED BY CAMERA**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition to Withdraw Abandonment filed May 14, 2004, pursuant to MPEP §711.03(c) and 37 C.F.R. § 1.181, as supplemented on December 3, 2004. No fee is required.

This application became abandoned due to failure to timely file a response to the final Office action mailed June 27, 2003. A Notice of Abandonment was mailed April 16, 2004.

Petitioner asserts that the final Office action mailed June 27, 2003 was never received. In support therefore, copies of the docket records have been included to corroborate petitioner's claim. The supplement to the petition contains a statement from the practitioner of record, attesting to a personal search of the file jacket and docket records.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the Practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received", 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c), section II. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Petitioner has satisfied the requirements set forth above in the petition filed May 14, 2004 as supplemented on December 3, 2004.

Accordingly, the petition is **GRANTED**. The holding of Abandonment is hereby withdrawn.

The application will be forwarded to the Technology Center's technical support staff for re-mailing of the final Office action and restarting the time period for response.


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